

Message Text

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ACTION EB-06

INFO OCT-01 ARA-06 ISO-00 CAB-02 CIAE-00 COME-00 DODE-00

DOT-00 INR-05 NSAE-00 RSC-01 FAA-00 L-01 PA-01 PRS-01

USIA-06 /030 W

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R 242200Z OCT 74

FM AMEMBASSY SAN JOSE

TO SECSTATE WASHDC 8423

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E.O. 11652: N/A

TAGS: EAIR CS

SUBJECT: CIVIL AVIATION - POSSIBLE PIRATING OF AIRCRAFT

REF: (A) SAN JOSE 3149

(B) PORT AU PRINCE 1795

1. SUMMARY: A TAISA AIRLINE'S DC-6 UNDER MORTGAGE TO A COSTA RICAN FIRM WAS TRANSPORTED FROM NEW ORLEANS TO VICKSBURG UNDER UNKNOWN CIRCUMSTANCES. COSTA RICAN CREDITORS FEAR FOUL PLAY, AND GOCR HAS APPROACHED EMBASSY.

2. COSTA RICAN CIVIL AVIATION AUTHORITIES AND THE LAWYER FOR COSTA RICA'S MAIN AIRPLANE MAINTENANCE COMPANY, COOPESA HAVE ADVISED THE EMBASSY THAT A DC-6 (SERIAL NO. 44071, LICENSE A-1079C) BELONGING TO LOCAL FIRM AEROVIAS SUR BUT UNDER LEASE TO TAISA AIRLINES WAS TAKEN FROM AN AIRPORT IN NEW ORLEANS, WHERE IT WAS UNDERGOING REPAIRS, TO VICKSBURG, MISSISSIPPI, WITHOUT THE PERMISSION OF COOPESA, WHICH HOLDS A LIEN ON THE AIRCRAFT. THE PLANE IS UNDER LIEN TO COOPESA AS A GUARANTEE ON A DEBT OF SOME COLONES 390,000 (\$45,667) OWED TO THEM BY TAISA FOR MAINTENANCE AND REPAIR SERVICES. TAISA ALSO OWES SOME COLONES 94,000 (\$11,000) TO NATIONAL AND REGIONAL CIVIL AVIATION AUTHORITIES FOR LANDING FEES AND OTHER SERVICEAS.

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3. SEVERAL WEEKS AGO COOPESA VTVE PERMISSION TO TAISA'S

OWNERS TO SEND THE PLANE TO NEW ORLEANS FOR REPAIRS WITH THE UNDERSTANDING THAT IT WOULD BE RETURNED TO COSTA RICA. THE PLANE IS LICENSED IN COSTA RICA, WHICH IS ITS NORMAL BASE OF OPERATIONS.

4. AEROVIAS SUR, THE OWNERS OF THE PLANE, AND TAISA HAVE A COMMON MAJOR STOCKHOLDER WHICH IS CAPPAERT ENTERPRISES OF VICKSBURG, MISSISSIPPI. THE DEPARTMENT MAY REMEMBER THAT THE EMBASSY REPORTED ON A VISIT BY CAPPAERT REPRESENTATIVES TO SAN JOSE IN LATE AUGUST OF 1973 (SEE REFTEL (A)). AT THAT TIME CAPPAERT SPOKESPERSON, MILDRED CASE JOHNSON, EXPRESSED HER COMPANY'S INTENT TO LIQUIDATE TAISA. APPARENTLY, THE LIQUIDATION PROCEEDING IS STILL GOING ON AND ANOTHER CAPPAERT REPRESENTATIVE, C. DELBERT HUSSMAN, IS SAID TO HAVE COME TO SAN JOSE WITHIN THE PAST FEW WEEKS, WHILE THE DC 6 WAS IN THE UNITED STATES, AND CLOSED DOWN THE COMPANY'S OFFICE.

5. COOPESA, THE GENERAL DIRECTORATE OF CIVIL AVIATION, AND TAISA'S LOCAL ATTORNEY, ALBERTO MARTEN WHO ALSO AVFEARS TO BE TAISA'S PRESIDENT AND TO HOLD POWER OF ATTORNEY FOR ALL OF AEROVIAS SUR'S STOCK, ARE FEARFUL THAT CAPPAERT MAY BE TRYING TO "PULL A QUICK ONE." HUSSMAN IS SAID TO HAVE TOLD MARTEN IN A PHONE CONVERSATION FROM THE STATES THAT CAPPAERT WOULD LIKE TO SEE THE DC 6 OPERATING IN THE U.S. WHERE IT COULD EARN SOME REVENUE INSTEAD OF SITTING IN COOPESA'S HANGAR. ON ANOTHER OCCASION, HUSSMAN REPORTEDLY INFORMED MARTEN THAT CAPPAERT INTENDS TO PAY OFF TAISA'S DEBTS TO COOPESA AND THE CIVIL AVIATION AUTHORITIES, HOWEVER, SUCH PAYMENT HASN'T BEEN FORTHCOMING AS YET. IT APPEARS THAT ONCE TAISA IS LIQUIDATED IT WILL HAVE NO ASSETS WHICH COULD BE UTILIZED TO CANCEL THESE DEBTS.

6. COOPESA'S ATTORNEY, ALFREDO BOLANOS, IS PLANNING TO GO TO THE U.S. EARLY NEXT WEEK TO LOOK INTO THIS MATTER AND WILL CONSULT WITH FAA OFFICIALS IN MIAMI AND MIAMI ATTORNEY EMERY DOUGHERTY BEFORE PROCEEDING TO NEW ORLEANS AND VICKSBURG. BOLANOS SAYS COOPESA IS MORE INTERESTED
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IN CANCELLING ITS DEBT THAN IN RECOVERING THE PLANE, ALTHOUGH IT SEEMS THAT BECAUSE OF INTERNATIONAL LICENSING REGULATIONS THE PLANE WOULD HAVE TO RETURNED TO COSTA RICA BEFORE IT COULD BE REGISTERED TO FLY IN THE U.S. ONE FURTHER COMPLICATION SEEMS TO BE THAT THE AIRPLANE'S FLIGHT INSURANCE EXPIRES ON OCTOBER 23.

7 ACTION REQUESTED: THE EMBASSY WOULD APPRECIATE THE DEPARTMENT'S ASSISTANCE IN DETERMINING THE CIRCUMSTANCES SURROUNDING THE REMOVAL OF DC 6 LICENSE NUMBER T 1079 C FROM

NEW ORLEAN AND IN PROVIDING COUNSEL ON WHAT REMEDIES

WOULD BE AVAILABLE TO COOPESA AND TO LOCAL AUTHORITIES
IN PURSUING THEIR CLAIMS. CAPPAERT ENTERIDOSES IS

LOCATED IN VOCKSBURG, MISSISSIPPI, P.O. BOX 1044,
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